UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,782	02/28/2005	Michael Neumann	026032-4855	8507

26371 7590 09/21/2007

FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

EXAMINER	
HAN, JASON	

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,782	NEUMANN, MICHAEL	
	Examiner	Art Unit	
	Jason M. Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-28 and 30-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-28 and 30-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2007* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 16-28 and 30-45 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the translucent covering layer including two plastic films and a gel-like substance between the two plastic films (re: Claim 19), in combination with the elastomer having an at least partially foamed structure (re: Claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 21, 24, 36, and 44 are objected to because of the following informalities: Applicant should avoid the use of acronyms (by themselves) to prevent confusion. Appropriate correction is required.

4. Claim 33 is objected to because of the following informalities: "the covering layer translucent" is missing a verb, and is suggested to read as "the covering layer in translucent". Appropriate correction is required.

5. Claim 44 is objected to because of the following informalities: "base plate" is suggested to read as "base part". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has failed to adequately teach in combination the translucent covering layer including an elastomer having an at

least partially foamed structure (re: Claim 18) in combination with a gel-like substance between two plastic films (re: Claim 19).

The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the Examiner and as stated by the Applicant within the context of the claim language [MPEP 2111].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 16-18, 20-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba (U.S. Patent 4,729,185 A) in view of Anderson, Jr. et al. (U.S. Patent 6,464,381 B2).

8. With regards to Claim 16, Baba discloses an lighting element for a vehicle [Column 1, Lines 9-11] including:

- A base part [Figure 4: (114, 120, 122, 124, 126, 128, 130)];
- A surface side within the vehicle and suitable for emitting light [Figure 4: (116)];
- At least one angled mirror surface distributed in the lining element to reflect light therefrom [Figure 4: (118)]; and

- A translucent covering layer [Figure 4: (110)], wherein the covering layer is designed to be elastically compressible [Column 2, Lines 61-64; Column 3, Lines 57-59].

Baba does not teach the lighting element, specifically the surface side, facing an interior of the vehicle.

Anderson teaches, "A vehicle interior component and lighting assembly that includes a vehicle interior component having a fabric disposed over a substrate or foam layer, or both. An electroluminescent panel is located between the fabric and substrate/foam layer and directs light from the panel through the fabric" [Abstract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to utilize the lighting element of Baba, specifically the surface side, to face an interior of the vehicle, as principally taught by Anderson, in order to provide appropriate display and/or illumination to a user within the vehicle during dark conditions. Such a configuration is commonly known and corroborated by Anderson, "The vehicle interior component can be any of a number of different interior articles, including, for example, a headliner, door panel, vehicle seat, rear deck, sun visor, and truck panel" [Abstract].

9. With regards to Claim 17, Baba in view of Anderson discloses the claimed invention as cited above. In addition, Baba teaches the base part being a light generator [Figure 4: (114)].

10. With regards to Claim 18, Baba in view of Anderson discloses the claimed invention as cited above. In addition, Baba teaches the translucent covering

layer including an elastomer [Column 2, Lines 61-64; Column 3, Lines 57-59], but does not specifically teach the elastomer having an at least partially foamed structure.

Anderson teaches, "In accordance with one aspect, the present invention is directed to a vehicle interior component having a fabric disposed over either a substrate or foam layer (or both)" [Column 2, Lines 15-19].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the elastomer of Baba to incorporate an at least partially foamed structure, as principally taught by Anderson, in order to provide a simple, efficient, and inexpensive cushioning means that may be easily accessed (i.e., rip, tear, cut) to facilitate repairs/modifications within the lighting device itself.

11. With regard to Claims 20 and 23-24, Baba in view of Anderson discloses the claimed invention as cited above.

Baba does not specifically teach the base part including at least one electroluminescent film, organic light-emitting diode, and poly light-emitting diode (re: Claim 20), wherein the base part is designed as a plate-like optical conductor, which is operationally associated with a light generator (re: Claim 23) and includes at least one of PMMA and PC materials such that an output of light on the surface side of the optical conductor may proceed into the interior (re: Claim 24).

Anderson teaches, "An electroluminescent panel is located between the fabric and substrate (or foam layer) and is configured to direct light from the panel through the fabric. In this way, the light source can be effectively hidden

when not in use and be incorporated into the interior component in a manner that requires little, in any, space behind the interior component" [Column 2, Lines 19-25]. Anderson further teaches in association with an electroluminescent film [Figure 3: (12)] a plate-like optical conductor [Figure 3: (20)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting element of Baba to incorporate the EL panel with optical conductor plate of Anderson, in order to reduce space and provide for a more compact device. Such a configuration is commonly known. It is also obvious that light emitting diodes are an additional alternative for their commonly known benefits of longer life, durability, efficiency, low power consumption, low cost, etc. Such a configuration is again commonly known within the art and is considered a matter of design/engineering preference.

Lastly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the optical conductor plate of at least one of PMMA and PC material, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use [*In re Leshin*, 125 USPQ 416]. In this case, PMMA and PC are suitable for their durability and optical characteristics, transparency, or translucency.

12. With regards to Claim 21, Baba in view of Anderson discloses the claimed invention as cited above. In addition, Baba teaches the translucent covering including a transparent or translucent silicone rubber [Column 2, Lines 61-62].

13. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baba (U.S. Patent 4,729,185 A) in view of Anderson, Jr. et al. (U.S. Patent 6,464,381 B2) as applied to Claim 21 above, and further in view of Miller (U.S. Patent 6,227,689 B1).

Baba in view of Anderson discloses the claimed invention as cited above, but does not specifically teach the elastomer having a hardness of 20 to 70 Shore A.

Miller teaches, "Preferably, body 16 of bulb holder 10 is injection molded with at least two stampings 46. Body 16 may be molded from a flexible polymeric material, preferably having a Shore A durometer hardness of between approximately 50 Shore A and 105 Shore A, more preferably between approximately 60 Shore A and 90 Shore A, and most preferably approximately 60 Shore A, such as a thermoplastic elastomer (TPE) material, such as Kraton G7720B or the like. Alternatively, a plasticized poly vinyl chloride (PVC) material, a flexible urethane, a silicone or the like may be used, without affecting the scope of the present invention. By injection molding of body 16 with the stampings within the flexible material, the present invention assures a water-tight construction to substantially preclude water from entering the terminals 20 and 24 within body 16" [Column 5, Lines 29-44].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting element of Baba in view of Anderson, specifically the elastomer, to incorporate the Shore durability characteristics, as principally taught by Miller, so as to ensure appropriate hardness and flexibility of the

elastomer. It has also been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art [*In re Aller*, 105 USPQ 233].

14. Claims 25-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba (U.S. Patent 4,729,185 A) in view of Anderson, Jr. et al. (U.S. Patent 6,464,381 B2) as applied to Claim 16 above, and further in view of Parker et al. (U.S. Patent 5,895,115).

15. With regards to Claim 25, Baba in view of Anderson discloses the claimed invention as cited above. In addition, Baba teaches the covering layer including a layer of a gel-like substance [Column 2, Lines 61-64; Column 3, Lines 57-59], but does not specifically teach the gel-like substance being covered toward the interior of the vehicle by a plastic film.

Parker teaches a covering layer [Figure 8: (48, 51)] including a layer of a gel-like substance [Column 10, Line 24; Column 7, Line 62] covered toward the interior of the vehicle by a plastic film [Column 5, Lines 45-53; Column 7, Lines 27-35].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting element of Baba in view of Anderson to incorporate the plastic film of Parker, in order to provide an optically desired effect and increase overall aesthetics [see Parker: Column 5, Lines 49-53].

16. With regard to Claims 26-28 and 30, Baba in view of Anderson and further in view of Parker discloses the claimed invention as cited above, but does not specifically teach the plastic film on the side of the interior having a thickness of

0.1 to 1.5 mm (re: Claim 26); the covering element having an overall thickness of 1.0 to 5.0 mm (re: Claim 27); the gel-like substance having a dynamic viscosity of 0.01 to 10 Pa·s (re: Claim 28); nor teaches the translucent covering layer having an optical transmissivity in the visible spectral range of 1 to 25% (re: Claim 30).

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the plastic film on the side of the interior to have a thickness of 0.1 to 1.5 mm; the covering element to have an overall thickness of 1.0 to 5.0 mm; the gel-like substance to have a dynamic viscosity of 0.01 to 10 Pa·s; and the translucent covering layer to have an optical transmissivity in the visible spectral range of 1 to 25% (re: Claim 30), since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art [*In re Aller*, 105 USPQ 233]. In this case, one would want the film/covering element to be of a relatively thinness, as corroborated by Parker [Column 8, Lines 35-39, 57-59]; to ensure that the gel-like substance is relatively flexible or deformable; and to provide the translucent covering layer with an optical transmissivity for its intended purpose, such as a non-overbearing illumination.

17. Claims 31-36 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba (U.S. Patent 4,729,185 A) in view of Anderson, Jr. et al. (U.S. Patent 6,464,381 B2).

18. With regard to Claims 31-33, Baba discloses an lighting element for a vehicle [Column 1, Lines 9-11] including:

- A base part [Figure 4: (114, 120, 122, 124, 126, 128, 130)];

- A surface side within the vehicle and suitable for emitting light [Figure 4: (116)];
- At least one angled mirror surface distributed in the lining element to reflect light therefrom [Figure 4: (118)]; and
- A translucent covering layer [Figure 4: (110)], wherein the covering layer is designed to be elastically compressible [Column 2, Lines 61-64; Column 3, Lines 57-59].

Baba does not teach the lighting element, specifically the surface side, facing an interior of the vehicle.

Anderson teaches, "A vehicle interior component and lighting assembly that includes a vehicle interior component having a fabric disposed over a substrate or foam layer, or both. An electroluminescent panel is located between the fabric and substrate/foam layer and directs light from the panel through the fabric" [Abstract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to utilize the lighting element of Baba, specifically the surface side, to face an interior of the vehicle, as principally taught by Anderson, in order to provide appropriate display and/or illumination to a user within the vehicle during dark conditions. Such a configuration is commonly known and corroborated by Anderson, "The vehicle interior component can be any of a number of different interior articles, including, for example, a headliner, door panel, vehicle seat, rear deck, sun visor, and truck panel" [Abstract].

19. With regards to Claim 34, Baba in view of Anderson discloses the claimed invention as cited above, but does not specifically teach the translucent covering layer having an optical transmissivity in the visible spectral range of 5 to 10%.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the translucent covering layer to have an optical transmissivity in the visible spectral range of 5 to 10%, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. In this case, one would want to provide the translucent covering layer with an optical transmissivity for its intended purpose, such as a non-overbearing illumination.

20. With regards to Claim 35, Baba in view of Anderson discloses the claimed invention as cited above. In addition, Baba teaches the translucent covering layer including an elastomer [Column 2, Lines 61-64; Column 3, Lines 57-59], but does not specifically teach the elastomer having an at least partially foamed structure.

Anderson teaches, "In accordance with one aspect, the present invention is directed to a vehicle interior component having a fabric disposed over either a substrate or foam layer (or both)" [Column 2, Lines 15-19].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the elastomer of Baba to incorporate an at least partially foamed structure, as principally taught by Anderson, in order to provide a simple,

efficient, and inexpensive cushioning means that may be easily accessed (i.e., rip, tear, cut) to facilitate repairs/modifications within the lighting device itself.

21. With regards to Claim 36, Baba in view of Anderson discloses the claimed invention as cited above. In addition, Baba teaches the translucent covering including a transparent or translucent silicone rubber [Column 2, Lines 61-62].

22. With regards to Claim 43, Baba in view of Anderson discloses the claimed invention as cited above, but does not specifically teach the covering layer having an overall thickness of approximately 2.0 mm to approximately 3.0mm.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the covering element to have an overall thickness of approximately 2.0 to approximately 3.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art [*In re Aller*, 105 USPQ 233]. In this case, one would want the covering element to be of a relatively thinness, in order to provide a more compact device and ensure the translucent covering layer with an optical transmissivity for its intended purpose, such as a non-overbearing illumination.

23. With regard to Claims 44-45, Baba in view of Anderson discloses the claimed invention as cited above.

Baba does not specifically teach the base part including at least one electroluminescent film, organic light-emitting diode, and poly light-emitting diode (re: Claim 45), wherein the base part is designed as a plate-like optical conductor, which includes at least one of PMMA and PC materials (re: Claim 44).

Anderson teaches, "An electroluminescent panel is located between the fabric and substrate (or foam layer) and is configured to direct light from the panel through the fabric. In this way, the light source can be effectively hidden when not in use and be incorporated into the interior component in a manner that requires little, in any, space behind the interior component" [Column 2, Lines 19-25]. Anderson further teaches in association with an electroluminescent film [Figure 3: (12)] a plate-like optical conductor [Figure 3: (20)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting element of Baba to incorporate the EL panel with optical conductor plate of Anderson, in order to reduce space and provide for a more compact device. Such a configuration is commonly known. It is also obvious that light emitting diodes are an additional alternative for their commonly known benefits of longer life, durability, efficiency, low power consumption, low cost, etc. Such a configuration is again commonly known within the art and is considered a matter of design/engineering preference.

Lastly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the optical conductor plate of at least one of PMMA and PC material, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use [*In re Leshin*, 125 USPQ 416]. In this case, PMMA and PC are suitable for their durability and optical characteristics, transparency, or translucency.

24. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baba (U.S. Patent 4,729,185 A) in view of Anderson, Jr. et al. (U.S. Patent 6,464,381 B2) as applied to Claim 36 above, and further in view of Miller (U.S. Patent 6,227,689 B1).

Baba in view of Anderson discloses the claimed invention as cited above, but does not specifically teach the elastomer having a hardness of APPROXIMATELY (broad interpretation – MPEP 2111) 40 Shore A.

Miller teaches, "Preferably, body 16 of bulb holder 10 is injection molded with at least two stampings 46. Body 16 may be molded from a flexible polymeric material, preferably having a Shore A durometer hardness of between approximately 50 Shore A and 105 Shore A, more preferably between approximately 60 Shore A and 90 Shore A, and most preferably approximately 60 Shore A, such as a thermoplastic elastomer (TPE) material, such as Kraton G7720B or the like. Alternatively, a plasticized poly vinyl chloride (PVC) material, a flexible urethane, a silicone or the like may be used, without affecting the scope of the present invention. By injection molding of body 16 with the stampings within the flexible material, the present invention assures a water-tight construction to substantially preclude water from entering the terminals 20 and 24 within body 16" [Column 5, Lines 29-44].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting element of Parker, specifically the elastomer, to incorporate the Shore durability characteristics, as principally taught by Miller, so as to ensure appropriate hardness and flexibility of the elastomer. It has also

been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art [*In re Aller*, 105 USPQ 233].

25. Claims 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba (U.S. Patent 4,729,185 A) in view of Anderson, Jr. et al. (U.S. Patent 6,464,381 B2) as applied to Claim 31 above, and further in view of Parker et al. (U.S. Patent 5,895,115).

26. With regards to Claim 38, Baba in view of Anderson discloses the claimed invention as cited above. In addition, Baba teaches the covering layer including a layer of a gel-like substance [Column 2, Lines 61-64; Column 3, Lines 57-59], but does not specifically teach the gel-like substance being covered toward the interior of the vehicle by a plastic film.

Parker teaches a covering layer [Figure 8: (48, 51)] including a layer of a gel-like substance [Column 10, Line 24; Column 7, Line 62] covered toward the interior of the vehicle by a plastic film [Column 5, Lines 45-53; Column 7, Lines 27-35].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting element of Baba in view of Anderson to incorporate the plastic film of Parker, in order to provide an optically desired effect and increase overall aesthetics [see Parker: Column 5, Lines 49-53].

27. With regard to Claims 39 and 41, Baba in view of Anderson and further in view of Parker discloses the claimed invention as cited above. In addition, Parker teaches the gel-like substance being arranged between two plastic films

[Column 5, Lines 49-53; Column 7, Lines 22-26], but does not specifically teach the film(s) being plastic.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the films out of plastic, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416. In this case, the availability of plastic is conducive to manufacturability.

28. With regard to Claims 40 and 42, Baba in view of Anderson and further in view of Parker discloses the claimed invention as cited above, but does not specifically teach the gel-like substance having a dynamic viscosity of 0.1 to 1 Pa·s (re: Claim 40); and the plastic film having a thickness of approximately 0.5 to 1.0 mm (re: Claim 42).

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the gel-like substance to have a dynamic viscosity of 0.1 to 1 Pa·s; the plastic film to have a thickness of approximately 0.5 to 1.0 mm; and the covering layer to have a thickness overall of approximately 2.0 to approximately 3.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art [*In re Aller*, 105 USPQ 233]. In this case, one would want to ensure that the gel-like substance is relatively flexible or deformable, as well as the film/covering element to be of a relatively thinness, as corroborated by Parker [Column 8, Lines 35-39, 57-59].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M Han
Examiner
Art Unit 2875

JMH (9/16/2007)

Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800